

### **REMARKS**

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-4, 6-33, and 35-41 are pending in the application. By this amendment, claims 1 and 19 have been amended.

#### ***Claim Rejections – 35 USC § 112***

The Examiner has rejected claims 1-12 under 35 USC 112 as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. Following the Examiner's suggestion, Applicant has amended claim 1 to refer to a "plurality of sets of strain gauges", thereby correcting the situation which led to the Examiner's 112 rejection.

#### ***Claim Rejections – 35 USC § 102***

The Examiner has rejected claims 1-3 and 5-11 under 35 U.S.C. 102(b) as being anticipated by Murphy (5,902,308). Claim 1 has been amended as suggested by the Examiner, to unambiguously specify the intended configuration, and thereby to prevent that possible reading of the claim language which the Examiner states (on page 9 first paragraph of the Office Action) caused him to maintain his rejection. Therefore, claim 1 and claims dependent thereon should now be in condition of allowance.

#### ***Claim Rejections – 35 USC § 103 -- Knowlton***

The Examiner has rejected claim 4 under 35 USC 103(a) as being unpatentable over Murphy (5,902,308) and further in view of Knowlton et al (6,427,089). Claim 4 depends from claim 1, which has been amended as described above and is now believed to be patentable, rendering claim 4 patentable also.

#### ***Claim Rejections – 35 USC § 103 -- Holmes***

The Examiner has rejected claim 12 under 35 USC 103(a) as being unpatentable over Murphy (5,902,308) and further in view of Holmes et al

(4,873,990). Claim 12 depends from claim 1, which has been amended as described above and is now believed to be patentable, rendering claim 4 patentable also.

***Claim Rejections – 35 USC § 103 -- Houser***

The Examiner has rejected claims 13-17, 19-22, 27-29, 31-32, and 35-40 under 35 USC 103(a) as being unpatentable over Murphy (5,902,308) and further in view of Houser (5,865,801).

The Examiner's rejection of claim 13 and claims dependent therefrom is respectfully traversed. Claim 19 has been amended.

With respect to claim 13, Applicant requests to draw the attention of the Examiner to the fact that claim 13 includes the feature of comparing measurements from a plurality of sensors, and the feature of reporting an event based on a calculation based on that comparison. These features are absent in the art cited by the Examiner. Houser's teaching does not include nor suggest comparison between sensor readings nor any activity based on the results of such a comparison. Rather, Houser clearly describes a situation in which each sensor reading is used to guide an activity based on that sensor reading alone, with no interaction taught or suggested between or among a plurality of sensor readings. The Examiner states that "...Houser also teaches a method of data analysis as the comparing measured parameters reported by a plurality of sensors ...." The Applicant believes that the Examiner's statement is incorrect, in that Houser does not in fact suggest comparison and does not propose any activity to be undertaken as a result of such a comparison.

The Examiner cites two passages in Houser which he believes are relevant to claim 13. In the cited passage in column 1, Houser indeed states as a goal, to "...apply different localized pressure to the different regions of surrounding artery." In the cited passage of column 7, lines 62-65, and more particularly in the following lines through column 8, line 3, Houser teaches that since different areas can be brought under pressure by independently controlled portions of his device, with pressure being measured independently for each area, a physician using his device to monitor the individual reported pressures of the individually pressured areas (which are pressured by independently pressurized expansion modules), "is able to vary the pressure as necessary and adapt the balloon catheter to the specific requirements of

the obstruction, and overinflation is avoided”. In other words, Houser teaches a device that enables a physician to treat different areas differently. No act of comparison is taught or implied: Houser merely shows that different areas under treatment can be pressurized differently, each being brought to whatever pressure the physician considers appropriate.

This may be contrasted to claim 13, which describes a process by which measurements from a plurality of strain gauges are made, the measures are *compared*, and an action (reporting obstruction) is taken based on the detected characteristic of the result of that comparison. These elements are totally lacking in Houser. Note that an apparatus functioning as described in claim 13 can report an obstruction of a vessel *without depending on any absolute measure of pressure*, but only based on a reported comparison between measurements. Nothing in Houser (nor in Murphy) suggests this possibility. Therefore Applicant believes claim 13, and claims 14-18 dependent thereon, to be patentable.

Claim 19 has been amended to specify that the data analysis module is programmed to compare data received from the plurality of strain gauges and to report obstruction of a blood vessel if at least one of the strain gauges reports less expansion than another of the strain gauges. As explained above with reference to claim 13, no such element is present in nor suggested by Houser, therefore Applicant submits that amended claim 19, and claims 20-33 and 35-41 dependent thereon, are patentable.

#### ***Claim Rejections – 35 USC § 103 -- Strommer***

The Examiner has rejected claims 18, 23-26 and 30 under 35 USC 103(a) as being unpatentable over Murphy (5,902,308) and Houser (5,865,801), and further in view of Strommer (U.S. Patent Application No. 2004/0138548).

Applicant has shown above that claim 18, depending from claim 13, should be considered patentable.

Applicant has also shown above that claims 23-26 and 30, depending from amended claim 19, should be considered patentable.

Additionally, it is noted that claim 23 specifies that a first image (combined with a second image from and imaging modality in claim 24) is calculated based on data obtained from strain gauges. Such an image source is not an “imaging modality”

as that term is understood in the art, therefore this system is also not taught and not suggested by Strommer.

***Claim Rejections – 35 USC § 103 -- Knowlton***

The Examiner has rejected claim 33 under 35 USC 103(a) as being unpatentable over Murphy (5,902,308) and Houser (5,865,801), and further in view of Knowlton et al. (6,427,089).

Claim 33 depends from amended claim 19, which the applicant has shown above to be patentable, therefore claim 33 should be considered patentable also.

In view of the amendments and arguments presented above, Applicant believes that the pending claims of this application have been shown to be patentable. Allowance of the pending claims of the present application is earnestly solicited.

Respectfully submitted,



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Date: February 26, 2009

**Enclosures:**

- Petition for Extension (Two Months)
- Request for Continued Examination (RCE)